

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Education  
DIVISION Internal Administration  
DIVISION DIRECTOR Dr. Bobbie Davis  
CONTACT PERSON Dr. Bobbie Davis  
ADDRESS #4 Capitol Mall, Room 103-B, Little Rock, AR 72201  
PHONE NO. 682-1297 FAX NO. 682-4487 E-MAIL bdavis@arkedu.k12.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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- 1. What is the short title of this rule?  
**Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an ADM of 1,000 or Fewer**
- 2. What is the subject of the proposed rule? **The rule outlines process to pay bonus pay and retention bonuses for public school employees in high priority districts of 1,000 or fewer**
- 3. Is this rule required to comply with federal statute or regulations? Yes \_\_\_\_\_ No **X** \_\_\_\_\_  
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?  
Yes \_\_\_\_\_ No **X** \_\_\_\_\_  
If yes, what is the effective date of the emergency rule?  
  
When does the emergency rule expire?  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Is this a new rule? Yes **X** No \_\_\_\_\_ If yes, please provide a brief summary explaining the regulation. **(See Attached)**
- Does this repeal an existing rule? Yes \_\_\_\_\_ No **X** If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.
- Is this an amendment to an existing rule? Yes \_\_\_\_\_ No **X** If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**
6. Cite the state law that grants the authority for this proposed rule. If codified, please give Arkansas Code citation. **A.C.A. § 6-11-105 and Act 101 of the Second Extraordinary Session of 2003**
7. What is the purpose of this proposed rule? Why is it necessary? **To encourage certified teachers to contract with small, poor districts and to encourage them to remain**
8. Will a public hearing be held on this proposed rule? Yes **X** No \_\_\_\_\_  
If yes, please complete the following:
- Date: **May 13, 2004**  
Time: **2:30 p.m.**  
Place: **ADE auditorium**
9. When does the public comment period expire for permanent promulgation? (Must provide a date.) **May 13, 2004**
10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
**June 25, 2004**
11. Do you expect this rule to be controversial? Yes \_\_\_\_\_ No **X**  
If yes, please explain.
12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.  
**Arkansas Education Association**  
**Arkansas Association of School Administrators**  
**Arkansas School Boards Association**  
**All will be for proposed rules.**

## **SUMMARY**

**The Incentives for Teacher Recruitment and Retention in High Priority Districts provide incentives for maintaining a highly-qualified teaching staff. The process includes Retention Bonuses of \$2,000 paid to certified teachers employed previously in a district. A signing bonus of \$4,000 is awarded to new teachers who are employed on a new contract to teach in a high priority district. The incentives are paid for multiple years.**

**A list of high priority districts is issued by November 1 of each year based on percentages of free and reduced priced meals submitted by the district and verified by the Department of Education.**

## FINANCIAL IMPACT STATEMENT

DEPARTMENT Arkansas Department of Education  
DIVISION Internal Administration  
PERSON COMPLETING THIS STATEMENT Dr. Bobbie Davis  
TELEPHONE NO. 682-1297 FAX NO 682-4487 EMAIL bdavis@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE   Incentives for Teacher Recruitment and Retention in High Priority Districts of 1,000 or Fewer**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?      Yes   X        No \_\_\_\_\_
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.      **N/A**
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

General Revenue   N/A    
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total                   N/A                  

**Next Fiscal Year**

General Revenue   N/A    
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total                   N/A                  

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.      School Districts will receive funds to distribute from a special appropriation.

**Current Fiscal Year**

**\$2.1 Million**

**Next Fiscal Year**

**\$2.1 Million (Assuming Base Level)**

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

**Current Fiscal Year**

**\$3,000**

**Next Fiscal Year**

**\$3,000**

DEPARTMENT OF EDUCATION  
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION  
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: **Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts With an Average Daily Membership of 1,000 or Fewer.**

Summary Description of Regulatory Proposal: **A.C.A. 6-11-105 and Act 101 of Second Extraordinary Session of 2003**

Cite Statutory Authority for this Regulatory Proposal:

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring) **The impact on the Department is recurring. Implementation will require one person part time to handle the documentation, request distribution, and conduct evaluation. Then one person part-time will do the distribution. Implementation will require approximately four months to identify and distribute the funds based on certified teachers employed by the high priority district. Free and reduced priced meals data is not available until October. All procedures for identification and distribution for this rule are new.**
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring) **The impact on local districts is recurring. This rule should not require any additional staff or resources. It will take approximately four months to implement this rule due to reporting cycles. All procedures for implementing the rule are new.**
- III. Additional Comments.

Prepared by: (Name) **Dr. Bobbie Davis**  
(Title) **Assistant Director, Internal Administration**  
(Date) **4/9/04**

**Arkansas Department of Education  
Proposed Rules  
Governing Incentives for Teacher Recruitment  
And Retention in High Priority Districts with  
An Average Daily Membership of 1,000 or Fewer**

**1.00 Regulatory Authority**

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an average Daily Membership of 1,000 or fewer.
- 1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under A.C.A. § 6-11-105 and Act 101 of the Second Extraordinary Session of 2003.

**2.00 Purpose**

The purpose of these rules is to provide incentives for teacher recruitment and retention in high priority districts.

**3.00 Definitions**

Unless otherwise specifically stated herein, the term:

- 3.01 Bonus Pay Period – Means the three-year period in which an eligible employee receives bonus pay.
- 3.02 Department – Means the Arkansas Department of Education.
- 3.03 High Priority District – Means a district with 1,000 or fewer students in which 80% or more of the students are eligible for free or reduced price meals under the National School Lunch Act.
- 3.04 Previous year – Means the school year immediately preceding the current school year.
- 3.05 Retention Bonus – Means a \$2,000 bonus paid to certified teachers employed by a high priority district during the 2004-2005 and/or 2005-2006 school years, who were also previously employed during the 2003-2004 school year.

- 3.06 Signing Bonus – Means a one time \$4,000 bonus awarded to a teacher not currently employed by a high priority district who signs a new contract to teach in a high priority district.
- 3.07 Teacher – Means certified personnel who spend 70% of their time in an instructional classroom teaching at all grade levels and all content areas.

#### **4.00 Incentives**

- 4.01 Beginning in the 2004-2005 school year, a certified teacher licensed by the State Board of Education and teaching in a high-priority district shall receive incentive pay.
- 4.02 New teachers to the high priority district shall receive a one-time signing bonus of \$4,000 upon signing a contract.
- 4.02.1 For each of the next two years, that teacher referred to in Section 4.02 shall receive a \$3,000 bonus at the beginning of the school year while still employed at the high priority district.
- 4.02.2 If the teacher has received bonus pay under Section 4.02 of this rule and leaves the high priority district before the end of the three-year bonus pay period, the teacher shall pay back the amount of the bonus received in the previous year.
- 4.02.3 If the teacher leaves the high priority district during the school year, the teacher shall pay back the previous year's bonus and the current year bonus.
- 4.03 Beginning in 2004-2005, all currently employed certified teachers who have been employed by the high priority district in the previous school year, shall receive a \$2,000 retention bonus at the beginning of each of the next two subsequent school years as long as the teacher continues to be employed by the high priority district.
- 4.03.1 If a currently employed teacher receives a retention bonus and then leaves the high priority district before the end of the three-year bonus pay period, the teacher shall pay back the amount of the retention bonus received in the previous year.
- 4.03.2 If a currently employed teacher leaves the high priority district during the school year, that teacher shall pay back the previous year's bonus and the current year's bonus.

## **5.00 Documentation**

- 5.01 Beginning in 2004-2005, the Department shall issue by November 1 of each year a list of high priority districts in which eighty percent (80%) or more of the students are eligible for free and reduced price meals.
- 5.02 The Free and Reduced Price Meal calculation shall be based on the list of eligible students in a district as verified by the Child Nutrition Unit of the Department based on the October 1 list of eligibles for grades K-12.